

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN OLIVER SNOW,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:03-cv-00292-MMD-CWH

ORDER

This is a capital habeas corpus action. On March 5, 2021, appointed counsel for the petitioner, John Oliver Snow, filed a suggestion of death on the record (ECF No. 233), stating that Snow died on February 27, 2021. The Court will, therefore, vacate the judgment previously entered in this action and dismiss this action as moot.

In an order entered on September 28, 2015 (ECF No. 201), this Court denied Petitioner's second amended habeas petition, and judgment was entered accordingly on that same date. (ECF No. 202.) The Court denied a motion to alter or amend judgment on May 24, 2016. (ECF No. 213.) Petitioner appealed, and on July 17, 2020, the Ninth Circuit Court of Appeals affirmed in part and reversed in part, and remanded the case to this Court for further proceedings. (ECF No. 222.) In its July 17, 2020 order, the Court of Appeals reversed the dismissal of certain of Snow's claims and remanded for adjudication of those previously dismissed claims. (*Id.*) The Court of Appeals retained jurisdiction over the case. (*Id.*)

Following the remand, this Court set a schedule for the parties to supplement their pleadings and brief the merits of the previously dismissed claims. (ECF No. 225.) However, on March 5, 2021, before Respondents filed a supplemental answer,

1 Petitioner's counsel gave notice of his death. (ECF No. 233.) Respondents did not
2 respond to that filing.

3 Petitioner's death renders this case moot. *See Garceau v. Woodford*, 399 F.3d
4 1101 (9th Cir. 2005); *see also Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003)
5 (dismissing petition for writ of habeas corpus as moot on account of the petitioner's
6 death). Therefore, this Court will vacate the 2005 judgment and dismiss this action as
7 moot.

8 It is therefore ordered that the judgment entered September 28, 2015 (ECF No.
9 202) is vacated.

10 It is further ordered that this action is dismissed, as moot, on account of the
11 Petitioner's death.

12 The Clerk of the Court is directed to enter judgment accordingly.

13 The Clerk of the Court is further directed to transmit a copy of this order and the
14 resulting judgment to the Ninth Circuit Court of Appeals.

15 DATED THIS 30th Day of March 2021.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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